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DOCKET NO.: P0728/7001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Paschetto et al.
Serial No: 10/026,918
Confirmation. No.: 7074
Filed: December 18, 2001
For: AUTOMATED LABORATORY SYSTEM AND METHOD

Examiner: not yet known
Art Unit: 1712

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 21 day of September, 2002.

Carol Ann Mahoney

Commissioner For Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Copy of International Search Report dated 09.09.02
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Michael Paschetto et al., Applicant

By:

Robert E. Hunt
Robert E. Hunt, Reg. No.: 99,231
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617)720-3500

Docket No. P0728/7001
Date: September 21 2002
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Carol Ann Matorey

Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Compliance with 37 CFR §1.704(d)

[x] Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

PART III: Information Cited

A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application.

1. ☐ The above-identified U.S. application claims priority to application Serial No. PCT/USxx/xxxxx. If the Examiner has not had the benefit of review of the file history of PCT/USxx/xxxxx, then he/she is asked to contact the undersigned, who will provide a copy of same.
2. ☐ The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Serial No.

Filing Date

Inventor(s)

[NOTE TO PRACTITIONERS - Must provide a copy of any pending U.S. application, even if it was previously submitted to or cited by the U.S. Patent Office in an earlier application, unless the earlier application is identified herein and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

3. ☒ The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application. International Search Report for PCT/US01/48812.
4. ☐ The applicant would like to bring to the Examiner's attention the following other information, whose relevance is discussed in Part IV below:

PART IV: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited: English language abstracts are provided for DE19853184 and FR2726652.

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Michael Paschetto et al., *Applicant*

By: 

Robert E. Hunt, Reg. No. 39,231
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. P0728/7001
Date: September 24, 2002
XNDDX

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/026,918	ATTY. DOCKET NO.: P0728/7001
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: December 18, 2001	CONFIRMATION NO.: 7074
		APPLICANT: Michael Paschetto et al.	
		GROUP ART UNIT: 1712	EXAMINER: not yet known
Sheet 1 of 1			

U.S. PATENT DOCUMENTS					
Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		3,923,463		Bagshawe et al.	12-02-1975
		4,692,308		Riley et al.	09-08-1987

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FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		DE	19853184	A1	Steiff Foerdertech	8.6.2000	abstract
		EP	1045036	A2	BioMerieux Inc.	18.10.2000	y
		FR	2726652		Merck Clevenot Laboratoires	10.05.96	abstract

OTHER ART — NON PATENT LITERATURE DOCUMENTS				
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]